

In The Matter Of:
Project Veritas Acton Fund v.
Daniel F. Conley, et al.

Robert Joel Halderman
April 6, 2017

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

C.A. No. 1:16-cv-10462-PBS

PROJECT VERITAS ACTION FUND,

Plaintiff,

vs.

DANIEL F. CONLEY, in his
official capacity as Suffolk
County District Attorney,
Defendant.

DEPOSITION OF ROBERT JOEL HALDERMAN,
individually and as corporate designee of Project
Veritas Action Fund, a witness called on behalf of
the Defendant, taken pursuant to the applicable
provisions of the Federal Rules of Civil Procedure
before Cynthia A. Powers, Professional Shorthand
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the Office of the
Attorney General, One Ashburton Place, Boston,
Massachusetts, on Thursday, April 6, 2017,
commencing at 8:58 a.m.

APPEARANCES:

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1 of what we do is a little bit like fishing. We
2 throw a line in the water. If something bites and
3 we catch something, great. If not, we don't. We
4 don't know if we're going to catch a fish or not.

5 I believe that the process of journalism
6 is an oftentimes quite serendipitous process where you
7 have to be in the right place at the right time.
8 You will then find out something that the public
9 needs to know.

10 Q. You sent an undercover journalist to
11 this event on Roosevelt Island?

12 A. That's correct.

13 Q. When did that event happen?

14 A. Gosh, off the top of my head, I do not
15 know the date. I know it was the formal
16 announcement of the campaign. I guess it was the
17 spring, but I don't remember. I really don't
18 remember the date. It was early obviously in the
19 election. It might have been -- gosh, was it 2015?
20 I don't know. I would think you would have the
21 date, sir.

22 Q. June 2015 sound right?

23 A. That sounds exactly right.

24 Q. We're going to up on the screen here

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1 that's not full. In this case, I don't think we
2 specifically targeted the Sanders campaign per se.
3 I think we wanted to get into some campaigns to find
4 out what's going on.

5 We did not know -- we had no idea that
6 there was Australians working for a campaign. We
7 had no idea they were being paid for by the
8 Australian Labor Party.

9 Q. So the Bernie Sanders campaign, was that
10 the first campaign up to New Hampshire that an
11 undercover journalist went to and offered to help
12 with?

13 A. I don't recall. I think we were also in
14 the Clinton campaign. To be very frank and also
15 kind of why she didn't get elected was she didn't
16 have a big ground game up there. Sanders had a big
17 ground game. When there's a big ground game,
18 there's more opportunity for us to be involved and
19 go there. It was just an opportunity.

20 Q. PVA's undercover journalist went to the
21 Bernie Sanders campaign and volunteered to help?

22 A. Yes, I understand.

23 Q. Was it one or more than one?

24 A. There was a couple.

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1 where else other Australians were.

2 One of the things that we really wanted
3 to find out was how many were here. If it's one guy
4 or two guys, well, but we wanted to know how many
5 there were. We wanted to know where they had
6 operated because that struck me as interesting. We
7 wanted, if we could, go to those states to see them
8 operating and to talk to them.

9 Q. What specifically was it that a PVA
10 journalist was told that caused you to think PVA had
11 an opportunity to conduct secret recordings in
12 Massachusetts?

13 A. Again, as I recall, I believe the
14 Australians said that there were Australians working
15 for the campaign that were operating in
16 Massachusetts for the Sanders campaign.

17 Q. Did PVA learn who those people were?

18 A. No, I don't believe we did.

19 Q. Did PVA learn where those people could
20 be found in Massachusetts?

21 A. No, and one of the reasons why we were
22 unable to, I believe, is because we can't do our
23 journalism in the Commonwealth of Massachusetts
24 because of the laws forbidding undercover recording.

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1 Whenever something pops up that we might
2 and would investigate in the state of Massachusetts,
3 we are hindered by the laws that puts limits on
4 journalism in the Commonwealth of Massachusetts.

5 I lived overseas for a number of years.
6 I lived in London and I covered the Soviet Union,
7 Gaddafi's Libya, and Saddam Hussein's Iraq. I'm
8 very familiar with government control on
9 journalists. It's a bad thing.

10 When it's here in the United States, I
11 think it's abominable as much as it was in working
12 in the Soviet Union or East Germany or
13 Czechoslovakia where we were as journalists severely
14 and totally restricted to the point where we
15 couldn't go certain places. If we did go someplace,
16 we had to have somebody come with us.

17 That's kind of how I see the
18 one-party/two-party problem in this country. I
19 think the two-party consent laws are a control, a
20 law, against the freedom of the press, which I think
21 is in direct violation of the First Amendment of the
22 United States Constitution.

23 Q. In a way that's comparable to the old
24 USSR?

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1 investigation or PVA investigation?

2 A. I believe American Pravda was a Project
3 Veritas investigation.

4 Q. But the personnel and the methods and
5 the techniques are the same between the two?

6 A. Correct. It's two organizations because
7 we have separate functions, but much of the
8 personnel, practices, and activities are similar.
9 They're basically two -- we basically wear two hats.
10 We wear one hat when we are doing certain kinds of
11 investigations, and we take that hat off and put on
12 another hat when we're doing another kind of
13 investigation.

14 Q. In the interrogatory response we see on
15 page seven of Exhibit 5 here speaking about a desire
16 to use secret recording in Massachusetts, did that
17 relate to Dudich's mother?

18 A. Yes.

19 Q. Were there any other opportunities to
20 use secret recording in Massachusetts in the Dudich
21 investigation other than with respect to his mother?

22 A. No, not with the Dudich investigation.
23 I think the obstacle, we wanted to confirm that
24 Comey was Dudich's -- or find out that it wasn't

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1 of business address.

2 Q. What does Mrs. Dudich's home look like?

3 A. I have no idea. I've never been there
4 myself.

5 Q. What was the plan for a PVA journalist
6 to engage with Mrs. Dudich at her home?

7 A. I don't remember the exact ploy that we
8 were going to use. Somehow we were going to say
9 that we knew Nick and that we were -- I don't
10 remember. I don't remember what we were going to
11 do. What ended up happening -- we're in the video
12 business. When we come up against the Commonwealth
13 of Massachusetts, it's a real problem.

14 I think, as this says, we did send some
15 UCJs up here without camera equipment, and I think
16 they were doing a survey trying to see what they
17 could see. I think what I was kind of -- I don't
18 remember my thought process per se. I think these
19 the undercover journalists were not going to have a
20 conversation. They were just coming up to look
21 around.

22 What I was hoping was that maybe like a
23 lot of people in Massachusetts they go back and
24 forth to New Hampshire, Maine. It was to come up,

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1 take a look around and see what you could see. We
2 had some people in New York, send them up.

3 Because we couldn't do Massachusetts, we
4 ended up finding Dudich's grandmother and aunt in
5 North Carolina and Dudich's father in Washington,
6 D.C., and we were able in those jurisdictions to do
7 undercover reporting in line with the First
8 Amendment of the United States Constitution, and we
9 were able to confirm that Dudich wasn't James
10 Comey's godson, which was --

11 Q. The undercover journalists who traveled
12 to Massachusetts to look around, they never had a
13 specific plan to approach Mrs. Dudich in
14 Massachusetts?

15 A. No, because we don't do -- we're video.
16 What we do is we shoot undercover video. We record
17 undercover video and audio. Our profession is
18 undercover video journalism. I don't really have a
19 real big interest in one of my journalists talking
20 to somebody and finding out information unless they
21 can wear a hidden camera because that's not the
22 business that we're in.

23 Q. Where did Mrs. Dudich work?

24 A. I'm trying to recall. I thought -- she

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1 going to do it. In the state of Massachusetts, if
2 we're not going to do it, I don't write up a plan.
3 I don't plan parties that I'm not going to have.

4 Q. Okay. So, let's go through the list in
5 interrogatory number nine here. This first
6 occurrence or potential investigation relating to
7 landlords renting unsafe apartments to college
8 students, what was your involvement in that idea?

9 A. I saw that story. I think it was a
10 Boston Globe story. I saw that story, and I was
11 really intrigued by it because I think it was two
12 years ago or so. I knew my son was going to be
13 moving here. I knew he could fall victim to this
14 same thing. I had a personal stake in it.

15 Plus, I think the landlord exploitation
16 of students and older people is really egregious. I
17 think landlord abuse is just really horrific. I
18 don't know why. Maybe because I was a tenant for so
19 many years and I had a really lousy landlord when I
20 lived on the Lower East Side.

21 I remember reading this story, and I
22 remember reading these instances where kids were
23 being ripped off in rat infested houses and no heat,
24 and I thought, That's just abominable. We could do

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1 that story. That's the kind of story we can do
2 really well. That's the kind of story that
3 undercover video is very powerful.

4 The Boston Globe can write about it, but
5 when you see the landlord and you see the apartments
6 and when you see the people who are being exploited,
7 it's so much more powerful.

8 I've been a video journalist, I've been
9 in television my whole career. I think television
10 is the be all and end all. I respect the print
11 press. I think undercover video sometimes is a
12 unbelievably powerful voice in correcting wrongs.
13 Undercover video specifically is just unbelievable
14 because we get people to admit what they would never
15 say publicly.

16 I had an idea that we could actually be
17 like a landlord kind of guy and talk to the other
18 landlords and get them to tell us how they treated
19 these people, how they did it, why they did it, and
20 the fact that they reveled in it because that's what
21 I certainly believed was the case.

22 Q. Did you set pen to paper and create an
23 op plan?

24 A. No, no, I muse at what I might be able

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1 government, that that's a problem. That needs to be
2 exposed.

3 The problem that we have with the
4 sanctuary cities story is that many of the biggest
5 sanctuary cities in this country are in states that
6 have two-party consent laws like, for example,
7 Chicago, Illinois, and Seattle, Washington, and
8 Portland, Oregon, and Boston, Massachusetts, and I
9 could go on.

10 So, it's a problem. It's a challenge.
11 It's a real challenge. I would like to do some
12 stuff on it. I think there's a story there. I'm
13 not exactly sure what the story is. I think there's
14 some hypocrisy going on. I think there's some
15 shenanigans with playing politics with this issue.

16 I think that if I were to do an
17 investigation in, say, the state of Massachusetts
18 that we might theoretically potentially expose some
19 hypocrisy about the sanctuary cities issue.

20 Q. When PVA wanted to do some investigation
21 but refrained because of Massachusetts's law, had
22 PVA identified specific people to secretly record?

23 A. No, because again I only go -- so, again
24 the way it kind of works is I'll see something,

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1 somebody will tell me something, we get a tip or
2 James has an idea or Russ has an idea or somebody
3 has an idea, then we'll talk about it usually in the
4 office, and then if it's in a one-party consent
5 state, then we will sort of proceed from there.

6 If it's in a two-party consent state, we
7 do investigations in two-party consent states, but
8 we are so handcuffed. It's virtually impossible,
9 it's incredible expensive, and it usually doesn't
10 even work.

11 We do it because in certain cases we
12 believe the story is so important that we need to
13 figure out a way to achieve the journalism, but it's
14 not easy and Massachusetts is a really tough state.
15 Your law is really difficult for us.

16 California is a two-party consent state.
17 We operate in California because there's an
18 opportunity in the law -- that's pretty reasonable,
19 I think -- when there is no expectation of privacy
20 that you can record a conversation without the
21 person knowing that you're recording it.

22 You're in a public restaurant and
23 somebody sitting at the next table and they can hear
24 everything that you're saying, then what they're

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1 A. That's correct. We never got that far.

2 Q. The third potential investigation that's
3 listed in response to interrogatory number nine
4 reads, Protest management efforts to the Antifa
5 protest in downtown Boston on August 19, 2017, that
6 would focus on private individuals and public
7 officials. Do you see where I just read that?

8 A. Yes, sir.

9 Q. Were you involved in that idea for a
10 potential investigation?

11 A. Yes, sir.

12 Q. And who did PVA desire to secretly
13 record in Massachusetts for that one?

14 A. The demonstrators at the event and any
15 public officials and anyone else that might be
16 involved in that event.

17 Q. Where did that event take place?

18 A. I think it was a park -- I thought it
19 was a park somewhere in Boston. I don't think it
20 was the Common. I don't know Boston that well.
21 Again, I hear about these things. Somebody said to
22 me -- I mean, we believe the Antifa movement in this
23 country is a dangerous and scary thing. So, we're
24 investigating it. We keep an eye on it.

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1 prosecutions.

2 The Washington Post in that case said
3 that our investigation validates our practices
4 because it led to a crime not occurring that we
5 believe and law enforcement authorities believe
6 would have occurred or could have occurred.

7 Q. Are you aware of any of these Antifa
8 type of events that occurred in Massachusetts since
9 August 19, 2017, that PVA tried to secretly record
10 but didn't?

11 A. We know based on our reporting that
12 there are Antifa elements within the Commonwealth of
13 Massachusetts and we would love to investigate.

14 Q. And so let's take a quick look at
15 Exhibit 5, the response to interrogatory number
16 nine, see that the fourth potential investigation
17 listed is ongoing and future Antifa or related
18 protests occurring in Boston.

19 At this point we're talking about both
20 the specific event on August 19, 2017, and ongoing
21 and future similar events. Who would PVA record in
22 connection with those concepts?

23 A. I don't know. I will repeat myself.
24 Based on our reporting, our investigation, which has

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1 been going on for well over a year into Antifa and
2 their activities, we believe that there are Antifa
3 elements within the Commonwealth of Massachusetts,
4 and we would like to investigate them, and we
5 believe the only way to successfully investigate
6 them and to keep an eye on their activities is with
7 undercover investigative techniques. That is who we
8 are.

9 Q. Where would such undercover journalist
10 recordings have taken place?

11 A. Well, in other areas such as New York
12 state, such as California, such as Atlanta, such as
13 Virginia where we have done reporting and even North
14 Carolina and the District of Columbia where we have
15 done investigations into Antifa, what we do is we
16 try to infiltrate the organization so we can find
17 out what they're doing and who they are.

18 We don't know who they are in
19 Massachusetts. We have very good sources within the
20 Antifa organization -- Antifa is not like a -- it's
21 not like a football team. It's more like a loose
22 association of independent groups that kind of fall
23 under same ideological banner. They don't all know
24 each other. They operate in a covert and secretive

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1 same idea that you were testifying a moment ago?

2 A. No, I have no idea what he's talking
3 about, but, you know, he'll know. You can ask him.

4 Q. So, the idea that you were talking
5 about, if it's different from Exhibit 26, tell me
6 about your idea.

7 A. I don't remember what specifically the
8 idea was. I recall there was some story about
9 money -- what was it -- federal grants, the number
10 of grants, the amount of grants to Harvard. It was
11 some story in -- I think it was the Times or the
12 Washington Post.

13 I felt it would be interesting to talk
14 to them about how much federal money they get when
15 they have this huge freaking endowment that they
16 have where they could basically buy the state of
17 Massachusetts or at least let everybody go to
18 college for free.

19 I think their greed and their avarice
20 and their kind of smugness is something that I would
21 love to talk to them about. I think it would be
22 interesting, maybe even amusing.

23 Q. Who's them?

24 A. Administrators, the president of the

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1 university, deans, professors. I would be curious
2 as to -- I have this thesis in my career or have had
3 this thesis in my career, you talk to people, you
4 find things out.

5 We might -- like I said, literally
6 dozens and dozens and dozens of time in my almost
7 four years at Project Veritas and Project Veritas
8 Action, we've launched investigations that have
9 turned out to be nothing where our premise or our
10 tip or our idea was, in fact, either incorrect or we
11 couldn't get it. We couldn't get across that goal
12 line. It's happened for my entire career. That's
13 just the cost of doing business and the price of
14 doing business, but it doesn't mean that you
15 shouldn't do it.

16 You know, fisherman catch fish because
17 they throw their nets out every day. It's not
18 because they know every time they throw their net
19 out it's going to get filled up with fish. They do
20 it because they believe there's fish out there, and
21 if they throw the net in the right place, they might
22 catch some fish. And that's what we do.

23 We go out, we have a tip or an idea or
24 we have a concept when we're operating in a

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1 one-party consent state, which is in line with the
2 Constitution of the United States, the American
3 Constitution and the First Amendment, and we cast
4 our net.

5 I would cast a net at Harvard. We did
6 it at Columbia. We did it at Princeton and Yale.
7 We did it at Yale. Even though Connecticut is a
8 two-party consent state, there's no expectation of
9 privacy issue there. So, we can bounce around that
10 law because it's not quite as stringent as the
11 Commonwealth's law.

12 Q. Who did you record at -- who did you
13 record at Yale?

14 A. At Yale it was a -- I think it was like
15 a -- it was, like, a student counselor/advisor that
16 colleges -- when I went to college there were
17 college professionals and there was a college
18 president and a dean. Now there's a whole other
19 layer of bureaucracy at American colleges that deal
20 with such things as whether or not people feel like
21 they're being triggered. I think that's crazy.

22 That was the story we were doing.
23 Basically we had an undercover journalist who
24 suggested that the constitution bothered her; that

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1 finest hour of journalism, but my point is that we
2 operate and do investigations in a lot of public
3 institutions across the country. We can't do that
4 in states where we can't do undercover reporting, so
5 we don't. What's going on at Harvard? I don't
6 know.

7 Q. Did you identify one or more
8 administrators at Harvard comparable to the ones you
9 found on the Yale and Columbia and Princeton at UNC
10 that you desired to record at Harvard?

11 A. No, we just show up and we talk to
12 whoever is there. We try to get as high on the food
13 chain as we can get. Sometimes we will specifically
14 identify a specific subject we want to talk to when
15 there's a specific investigation.

16 Going back to Democracy Parters, Foval
17 gave us Robert Creamer's name. Once Foval said Bob
18 Creamer, okay, we specifically targeted Robert
19 Creamer. Again, in that investigation we didn't
20 know we were going to meet Zulema Rodriguez until
21 our undercover journalist had met Zulema Rodriguez.
22 We didn't target her.

23 What we tend to do most of the time, we
24 tend to target an institution or an organization.

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1 What we target for the most part is
2 organizations, institutions, and then we
3 determine -- once we get into the door, then we can
4 become more refined and focus as to whom we want to
5 talk to, who's pulling the strings and who's the
6 power.

7 In the Democracy Partners investigation,
8 that is a perfect example of this. Scott Foval was
9 a pure serendipitous event. We sort of knew who he
10 was. We certainly didn't know what he was going to
11 say. He led us to Bob Creamer. From there we were
12 able to lock down this incredible story.

13 We don't -- most of our
14 investigations -- most is not a great word, but I
15 would say a large percentage of our investigations
16 we don't necessarily have a specific person who
17 we're targeting because we don't know who that is
18 yet.

19 We're journalists. We don't know the
20 end of the investigation at the beginning just like
21 law enforcement doesn't know who they're ultimately
22 going to charge and prosecute when they're doing an
23 investigation of a drug gang or a crime syndicate.

24 Q. So, by the same token, you can't really

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1 Q. The overall video that we have begun to
2 play is PVA's video report relating to Alison
3 Grimes' campaign?

4 A. Yes.

5 Correct.

6 Q. We spoke about that toward the beginning
7 of your testimony; correct?

8 A. Correct.

9 Q. I'm going to back up one level in the
10 file three here still on Exhibit 39 looking in the
11 folder titled Jump Drive 30(b)(6) Videos. I'm going
12 to go into the sub-folder RDP17, and I'm going to
13 begin to play the file titled 17L, Part One,
14 Undercover. Do you see where I'm doing that?

15 A. Yes, I do.

16 (Video played)

17 BY MR. HASKELL:

18 Q. I've paused that film twenty seconds
19 into it. Do you recognize the film that we've begun
20 to watch?

21 A. I do.

22 Q. What is it?

23 A. This is our investigation into the
24 protestors at the DJ20 in Washington, D.C., prior to

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1 the inauguration and the -- it was January of 2017
2 and these guys were -- we had infiltrated this group
3 DJ20, Disrupt J20, Disrupt January 20th, which was
4 the inauguration for Donald Trump. They were a
5 loose group of people who were trying to protest the
6 inauguration of President Donald Trump.

7 These particular guys were not
8 interested in peaceful and legal protests. They
9 seemed to be plotting to take a criminal act in
10 order to disrupt the inauguration events.

11 When we recorded this using a hidden
12 camera, which we would have never been able to get
13 if we weren't able to use a hidden camera, we then
14 turned this information over to law enforcement, and
15 law enforcement arrested these guys, and their plots
16 or plans did not happen.

17 Whether they would have done it anyways
18 if we hadn't been there, I can't answer that. I do
19 know that law enforcement took what we were able to
20 record on that undercover hidden camera recording.
21 They took it very seriously. These guys were
22 prosecuted.

23 This particular investigation is
24 probably one of the very best arguments for

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1 when he was in the conference in Florida or whether
2 it was in Kansas. It might have been in Florida.

3 There was a teachers union conference in
4 Florida that we attended. This was a throw the net
5 out, see what you can find. I think we met this guy
6 at the bar. I wish I could remember more. That's
7 what I think.

8 Q. I will skip ahead to a different section
9 of the 17K film that we have up on the screen here.
10 I'm going play from time stamp 5:04.

11 (Video played)

12 BY MR. HASKELL:

13 Q. I've paused the video at 5:36, and we
14 just watched that thirty odd second clip. Does that
15 help you understand --

16 A. Yeah.

17 Q. -- which piece of video was taken where?

18 A. The bar, I believe, was in Florida at
19 this conference. This conversation took place at
20 a -- what's that restaurant called? I used to have
21 one around the corner from my house. One of those
22 bread places in Wichita, Kansas, and so we had --
23 there were -- there was a different journalist.
24 This was a male journalist. We wanted to talk with

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1 don't think she actually attended the conference. I
2 think what she did as she's one of our better -- was
3 one of our better journalists, I think what I told
4 her to do was hang out at the bar. I said, I've
5 been to conferences in my life and people go to bars
6 and especially men go to bars and they like to brag.
7 It's a good place to get conversations and content.
8 If you sit at the bar and you dress nice and you
9 look nice and you talk to people and you're alone,
10 men will talk to you. This conference was primarily
11 teachers union officials. I figured some teachers
12 union officials would go to the bar and talk about
13 what they do.

14 Q. How old was this young woman at the
15 time?

16 A. She's in her twenties.

17 Q. Okay. So, did she specifically seek out
18 Mr. Wentz?

19 A. Absolutely not. This was another
20 situation which again as you have seen, as we've
21 gone through, this happens to us so many times and
22 that's why, you know, when we talk about things we
23 would do in Massachusetts, we don't know who we
24 would investigate. We don't know who the corrupt

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1 people are. We don't know who the lawbreakers are.
2 We don't know who the bad guys are. The only way we
3 find that out is to go out there and put ourselves
4 in situations where we can encounter and converse
5 with those people.

6 It's a very imprecise profession,
7 journalism. Like I said, I've been doing this a
8 long time. I spent three and a half years covering
9 the war in Bosnia and in and out of Sarajevo. I
10 never knew what was going to happen. I knew we
11 wanted to talk to people who were victims of the war
12 or prosecutors of the war. I sort of knew where
13 some of them were.

14 One day we drove down a road and came
15 across one of the infamous rape camps where there
16 were young women literally tied to buildings, and
17 these Serb guards didn't like us and told us to go
18 away. We were actually able to film it. It was a
19 big story at the time. We don't know whom we're
20 going to investigate.

21 In this case, Steve Wentz went to the
22 bar where our journalist was and started telling
23 this story. I don't think our journalist knew that
24 he was a teachers union person until he told us

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1 have lawyers who ask me this question, were there
2 other people at the bar. There was somebody our
3 undercover journalist didn't know who was sitting
4 next to her. It was good. Bars are really good for
5 us.

6 When we are handcuffed by the state and
7 we cannot do our job, we cannot be journalists.
8 When we are fettered unconstitutionally, I believe,
9 by state laws, we have to figure out a way that we
10 can still do our job. In some states we can do
11 that. Florida is one them. California is one of
12 them. Massachusetts is not one of them.

13 Q. In the way of a bar being a suitable
14 place to record also in vino veritas; right?

15 A. I'm not a huge fan and neither is
16 Mr. O'Keefe of when we get content from people who
17 are inebriated. I don't like it. I think there's
18 veracity issues. There's also people -- when people
19 get drunk they say really stupid things. I think
20 alcohol tends to create liars or big liars out of
21 people who are dishonest to begin with. I'm not
22 crazy about it. But a bar is a good place because
23 people are there, they're comfortable, they're
24 relaxed, they're talkative.